THE MANITOBA HUMAN RIGHTS COMMISSION
LA COMMISSION DES DROITS DE LA PERSONNE DU MANITOBA

connections

Equality of Opportunity and Freedom from Discrimination

Winnipeggers gather together to stand up for Human Rights

The Commission joined the crowds at the Forks on February 4, 2017 on the Walk for Human Rights.

The event started by acknowledging that the crowd had gathered on the land that has been a traditional meeting place for hundreds of years. Local politicians and Elders reminded the crowd to remember where we have come from and our own stories of challenge and strength. They also reminded us to celebrate our diversity and to work together to build an inclusive society.

Special remembrance was also offered to the families of the victims of the shooting at a mosque in Ste. Foye, Quebec, that gave rise to events of similar spirit across the country.

The Canadian Museum for Human Rights embraced the community by waiving admission fees for the day and opening its doors to the public to warm up and explore the galleries.

Friends and family of the Commission walked with our banner amongst crowds of Winnipeggers calling for love, inclusivity and understanding.

The Rights Connection

By Isha Khan, Executive Director & Counsel

Global events and political rhetoric over the last month have challenged us to question whether we really have an inclusive society. What can we do to combat prejudice and stereotype?

With a mandate to promote human rights and educate the public about *The Human Rights Code*, there has never been a better time to spread the message as loudly and clearly as we can: we are all equal in dignity and rights; it is against the law to discriminate.

It may sound clichéd but education has to be the solution, or at least part of it. Last year we identified developing our educational programs as one of our strategic priorities. We refreshed our seminar programs to go back to fundamental human rights principles and spend less time on the Commission and its complaint process.

Using a rights-based approach, we feel like we are helping to make connections so that participants understand why we have human rights laws in the first place and feel more comfortable navigating situations without simply doing something because they are following "a process". Many human resource professionals for example know that there is a duty to accommodate but get caught up in their workplace policies and sometimes lose sight of why those policies and steps exist in the first place.

This past month we were lucky to have an opportunity to speak with groups of human resources professionals about our new Gender Identity guidelines.

Commission gives the Province input on accessibility

The Commission recently provided its feedback to the Accessibility Advisory Council following the public consultation on the proposed Employment Standard under the *Accessibility for Manitobans Act*.

The Commission focused on sharing our approach to educating about reasonable accommodation. We have learned that employees often do not appreciate their responsibility to establish or subtantiate a disability-related need and likewise, employers often do not appreciate that they are entitled to ask for information to clarify the need before they begin a process of assessing if or how they can reasonably accommodate the employee in the workplace.

The Commission also asked the Council to consider expanding the Employment Standard to cover unpaid workers or volunteers given that *The Human Rights Code* clearly affords protection to these workers. The Commission also asked for clarification around the responsibility of an employer to pay for a medical assessment or evaluation.

See www.manitobahumanrights.ca/publications_main.html for the full submission.

Mediation is a powerful tool

While not every complaint is suited to a mediation, the Commission remains focused on offering mediation services as much as possible to give parties a chance to try and resolve the complaint.

The Commission has always been regarded as a leader in this area, bringing parties together to find often creative and precedent-setting agreements that result in systemic change.

In past years, the Commission has facilitated a number of resolutions resulting in broad change, such as adding certain criteria to Handi Transit's eligibility policy following a complaint made by the Alzheimer's Society.

"Offering mediation allows parties to consider not only what has happened but also what they need, in order to resolve their complaint. Once parties have talked, they often have a better understanding regarding the past, which allows them to make informed decisions about next steps. Both parties need the chance to share their experience in a safe setting where a skilled mediator can help them put the puzzle together", says Paul Kruse, Commission mediator.

In this way, mediation can set the stage for the parties to talk about what it would take for each to walk away feeling that the process was fair and comfortable that the situation won't occur or be dealt with in that way, again.

The Commission has renewed efforts to bring parties together in face-to-face meetings and has found a greater satisfaction level by all those involved. Mediation is voluntary.